

CALIFORNIA STATE PERSONNEL BOARD MEETING
State of California Building
107 South Broadway
Los Angeles, California 90012

www.spb.ca.gov

Public Session Location - Room 1138
Closed Session Location - Room 1101

MID-MONTH BOARD MEETING MINUTES

FEBRUARY 21, 2001

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, President
William Elkins, Vice President
Richard Carpenter, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. State Personnel Board staff will participate in a joint orientation hearing for the Senate Public Employment and Retirement Committee and the Assembly Public Employees, Retirement and Social Security Committee.
- B. State Personnel staff will also testify at a Senate Select Committee on Government Oversight on improvements to Whistle-Blower statutes.

- C. Joan Allison has been appointed Chief of the Administrative Services Division and will report to work on March 1, 2001.
- D. This summer the Board's Sacramento test facility will be expanded to accommodate more testing and provide improved services to departments and applicants.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Elise Rose and Karen Brandt of SPB Legal Division have been asked to participate on a panel discussion at the California State Bar Public Employment Conference scheduled for April 20, 2001. Co-panelists are tentatively scheduled to be Marguerite Seaborne of DPA Legal and Brian Taylor of CSEA Legal. The discussion will pertain to options for dealing with employees who can no longer do their jobs for medical reasons.

Litigation:

Superior Court

- A. SPB v. DPA/IUOE - Hearing on SPB's motion to stay further implementation of the Unit 11, 12, and 13, Memoranda of Understanding was continued to March 8, 2001 on Judge's motion.

5. REPORT ON LEGISLATION - Judy Blamain

The Board was advised of the following:

- A. Senator Nell Soto, Chairperson of the Senate PERS Committee, has agreed to carry the Board's Legislative Proposal, "Recruitment/Upward Mobility College Reimbursement Program."
- B. State Personnel Board member William Elkins, Executive Officer Walter Vaughn, and Judy Blamain will be meeting with Senator Polanco to discuss legislation.

C. Friday, February 23, 2001, is the last day for bill introduction.

BOARD ACTIONS

6. STATE PERSONNEL BOARD SUMMARY MINUTES OF FEBRUARY 6-7,
2001

ACTION: Board adopted on January 21, 2001.

VOTE: Alvarado, Elkins, Carpenter - Aye.

7. ACTION ON SUBMITTED ITEMS

ACTION: See page 14-15

8. ADMINISTRATIVE LAW JUDGE CASES

On January 21, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Elkins, Carpenter - Aye.

COURT REMAND DECISIONS

JESSIE BROWN, CASE NO. 98-0384
Appeal from Medical Termination
Department of General Services
ACTION: Board to issue resolution

JESSIE HERRERA, CASE NO. 00-1444
Appeal from Dismissal
California State University at San Diego
ACTION: Stipulation for settlement approved

CHIEF COUNSEL RESOLUTION

EARL LESTER, CASE NO. 98-1386
Appeal from Dismissal
Department of Industrial Relations at Van Nuys

ACTION: Proposed Decision Rejected by Board

GREGORY HOGUE, CASE NO. 01-0w32

Appeal from Dismissal

Department of Human Services Agency, County of Merced

ACTION: Proposed Decision Rejected by Board

PROPOSED DECISIONS

JULIE WARD, CASE NO. 00-1803

Appeal from Five Working Days Suspension

Associate Warden

State Prison at Corcoran

Department of Corrections

ACTION: Board adopted proposed decision revoking five-working-days suspension

MALCOLM McCLURE, CASE NO. 00-1741

Appeal from Official/Formal Reprimand

Correctional Counselor III

State Prison at Corcoran

Department of Corrections

ACTION: Board Adopted Proposed Decision Revoking Official/Formal Reprimand

JAMES BENNETT, CASE NO. 00-2537

Appeal from Demotion from Correctional Sergeant to Correctional Officer

State Prison at Avenal

Department of Corrections

ACTION: Board Sustained Demotion

JOVELLEA HILL, CASE NO. 00-3111

Appeal from Dismissal

Correctional Lieutenant

California Substance Abuse Treatment Facility

Department of Corrections

ACTION: Board Sustained Dismissal

DELORES S. MARTINEZ, CASE NO. 00-3329

Appeal from Official/Formal Reprimand

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Office Assistant
State Prison at Wasco
Department of Corrections
ACTION: Board Sustained Official/Formal Reprimand

KAREN WADE, CASE NO. 00-3504
Appeal from Rejection during Probationary Period
Social Worker I
Human Services Agency
County of Merced
ACTION: Board Adopted Proposed Decision Stipulating Lack
of Jurisdiction

HENRY A. MUMM, CASE NO. 00-2564
Appeal from Five Working Days Suspension
Communications Operator II
Department of California Highway Patrol
ACTION: Board Sustained Dismissal

ROBERTO C. ANGELES, CASE NO. 00-2211
Appeal from Dismissal
Youth Correctional Counselor
Department of the Youth Authority
ACTION: Dismissal Modified to Six-Month Suspension

ROBERT BEILIN, CASE NO. 00-1820
Appeal from Demotion from Correctional Food Manager I to
Supervising Cook I
State Prison at High Desert
Department of Corrections
ACTION: Demotion Sustained

MYRA L. FRAZIER, CASE NO. 00-2108
Appeal from Ten Working Days Suspension
Communications Operator II
Department of California Highway Patrol
ACTION: Ten-Working-Days Suspension Sustained: Board to
Prepare Special Resolution

FERRIC M. FULLER, CASE NO. 00-2777
Appeal from Dismissal
Communications Operator II
Department of California Highway Patrol
ACTION: Dismissal Sustained

RUBY P. BOGARD, CASE NO. 00-3318
Appeal from Dismissal
Food Service Worker I
Department of Developmental Services
ACTION: Board Sustained Dismissal

GLENN HUNSINGER, CASE NO. 00-2284
Appeal from Official Reprimand
Staff Counsel
State Compensation Insurance Fund
ACTION: Board Sustained Official Reprimand

ANGEL VILLALOBOS, CASE NO. 00-0035
Appeal from Dismissal
Youth Correctional Officer
Department of the Youth Authority
ACTION: Dismissal Modified to One-Year Suspension

DAVID TAYLOR, CASE NO. 00-0036
Appeal from Dismissal
Youth Correctional Officer
Department of the Youth Authority
ACTION: Board Sustained Dismissal

KEITH A. WATKINS, CASE NO. 00-2738
Appeal from Dismissal
Senior Land and Water Use Analyst
Department of Water Resources
ACTION: Taken under submission

PETITIONS FOR REHEARING

JASON THOMAS, CASE NO. 99-3479
Appeal from Dismissal
Correctional Officer
Department of Corrections
ACTION: Petition for rehearing filed by Appellant denied

JOSE SALAS, CASE NO. 00-2358P

Appeal from Demotion from the Position of Correctional
Sergeant to Correctional Officer
Correctional Sergeant
State Prison at Valley
Department of Corrections

ACTION: Petition for rehearing filed by Appellant denied

CARLOS CERVANTES, CASE NO. 00-0399P
Appeal from 10 Percent Reduction in Salary for 12 Months
Janitor
Department of General Services
ACTION: Withdrawn to stipulation

RICHARD C. TOBY, CASE NO. 00-1572
Appeal from Dismissal
Psychiatric Technician
Department of Developmental Services
ACTION: Petition for rehearing filed by Appellant
granted

JOHN VICARIO, CASE NO. 00-0245
Appeal from dismissal
Correctional Officer
Institution for Men at Chino
Department of Corrections
ACTION: Petition for rehearing filed by Appellant denied

9. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION

ACTION: See page 16-19

10. MISCELLANEOUS APPEALS DIVISION CASES
(Withholds, Voided Appointments, Rule 211 Appeals,
Petitions for Rehearing)

On February 21, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel,
California State Personnel Board

VOTE: Alvarado, Elkins, Carpenter - Aye

- A. JAMES C. SHARPE, CASE NO. 00-1756
Classification: Cadet, CHP
California Highway Patrol
ACTION: WITHDRAWN FROM THIS MEETING
- B. CLAUDIA CRAVENS, CASE NO. 00-2718
Classification: Youth Correctional Counselor
Department of the Youth Authority
ACTION: DENIED
- C. TROY KIMBERLING, CASE NO. 00-2716
Classification: Cadet, CHP
California Highway Patrol
ACTION: WITHDRAWN FROM THIS MEETING
- D. OSCAR URIAS, CASE NO. 00-2717
Classification: Youth Correctional Officer
Department of the Youth Authority
ACTION: DENIED
- E. JOAQUIN COLLADO, CASE NO. 2575
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- F. JOSE C. RENTERIA, CASE NO. 00-2714
Classification: Correctional Officer
Department of Corrections
ACTION: WITHDRAWN BY STAFF PRIOR TO THIS
MEETING
- G. JAMI A. BRADSHAW, CASE NO. 00-3424
Classification: Correctional Officer I
Department of Corrections
ACTION: DENIED
- H. ADAM MARION, CASE NO. 00-2576
Classification: Cadet, CHP

California Highway Patrol
ACTION: DENIED

- I. MICHAEL R. HUMBLE, CASE NO. 00-0870
Classification: Correctional Officer
Department of Corrections
ACTION: DENIED
- J. COBY K. PIZZOTTI, CASE NO. 00-3663
Classification: Staff Services
Analyst (G)
Alcohol and Drug Program
ACTION: DISMISSED
- K. FRANK A. SEGOVIA, CASE NO. 00-2889
Classification: Hospital Police
Officer I
State Personnel Board
ACTION: DISMISSED
- L. THELMA STANFORD, CASE NO. 00-1170
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED
- M. EUGENE KOPP, CASE NO. 00-1090
Classification: Correctional Officer
Department of Corrections
ACTION: DISMISSED

11. MEDICAL APPEALS

On February 21, 2001, the Board adopted the following
decisions presented by Elise Rose, Chief Counsel,
California State Personnel Board
VOTE: Alvarado, Elkins, Carpenter - Aye

- A. RONALD SMITH, CASE NO. 00-1392
Classification: Correctional Officer
State Personnel Board
ACTION: DENIED

B. SHAUNA MARQUEZ, CASE NO. 00-1060P
Classification: Correctional Officer
State Personnel Board
ACTION: WITHDRAWN BY STAFF PRIOR TO MEETING

C. TERESITA CHU, CASE NO. 00-4117
Classification: Registered Nurse, CF
Department of the Youth Authority
ACTION: DISMISSED

12. EXAMINATION APPEALS

On February 21, 2001, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board
VOTE: Alvarado, Elkins, Carpenter - Aye

A. JUHA S. AUVINEN, CASE NO. 00-2389
Classification: Supervising Fraud Investigator II
Department of Insurance
ACTION: DENIED

13. NON-HEARING CALENDAR

On February 21, 2001, the Board adopted item "A". This item was presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board
VOTE: Alvarado, Elkins, Carpenter - Aye

A. SENIOR VOCATIONAL REHABILITATION COUNSELOR
REHABILITATION SPECIALIST
REHABILITATION SUPERVISOR
VOCATIONAL REHABILITATION TRAINEE
VOCATIONAL REHABILITATION COUNSELOR
The Department of Rehabilitation proposes to make specification revisions to the classes of Senior Vocational Rehabilitation Counselor, Rehabilitation Specialist, and Rehabilitation Supervisor and abolish the classes of Vocational Rehabilitation Trainee and Vocational Rehabilitation Counselor.

14. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

February 21, 2001

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) EXECUTIVE DIRECTOR, FIELD ACT
ADVISORY BOARD

The Department of General Services proposes to allocate the above position to the CEA category. The CEA I is to serve as the Executive Director to the Field Act Advisory Board, Develop DSA's client/customer/public/media relations programs, and formulate high level administrative policies to successfully carry out these programs, as well as assuming responsibility for travel and meeting planning. The department indicates that the position will be at the third organizational level and will report directly to the State Architect.

(2) PENSION INVESTMENT OFFICER

The State Controller's Office proposes to allocate the above position to the CEA category. The proposed Pension investment Officer reports to the State Treasurer when performing investment support duties, serves as a Trustee (voting board member) with fiduciary responsibilities on the California Public Retirement System and California State Teachers' Retirement System boards. The department indicates that the position will be at the second organizational level and will report directly to the State Treasurer.

(3) PENSION AND BENEFITS OFFICER

February 21, 2001

The State Controller's Office proposes to allocate the above position to the CEA category. The proposed Pension and Benefits Officer reports to the State Treasurer when serving as a Trustee and the Deputy Treasurer when performing pension and benefits related support duties, serves as a Trustee (voting board member) with fiduciary responsibilities on the California Public Employees Retirement System, the California State Teachers' Retirement System, and the CA Earthquake Authority boards. The department indicates that the position will be at the second organizational level and will report directly to the State Treasurer.

- (4) DEPUTY DIRECTOR, OFFICE OF CRIMINAL JUSTICE COLLABORATION
The Department of Alcohol and Drug Programs proposes to allocate the above position to the CEA category. The Deputy Director of the Office of Criminal Justice Collaboration, will oversee and administer all of the Department's programs designed to divert persons convicted of drug possession from the criminal justice system into the substance abuse treatment and recovery system related to the Substance Abuse and Crime Prevention Act of 2000, also known as Proposition 36. . The department indicates that the position will be at the second organizational level and will report directly to the Chief Deputy Director.

February 21, 2001

(5) PROGRAM MANAGER, LOCAL ASSISTANCE PROGRAM

The Department of Transportation proposes to allocate the above position to the CEA category. The Program Manager develops policies on growth, development and long range strategies for balancing the infrastructure needs of a growing population with increasingly sensitive natural resources. The department indicates that the position will be at the third organizational level and will report to the department's Deputy Director.

(6) DEPUTY DIRECTOR, PARK DESIGN AND CONSTRUCTION

The Department of Parks and Recreation proposes to allocate the above position to the CEA category. The Deputy Director of Park Design and Construction is responsible for ensuring that the Departments statewide development programs meet their respective intended fiscal, schedule, and quality performance targets as stipulated by the State Legislature of California. The department indicates that the position will be at the second organizational level and will report directly to the Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) CHIEF, INFORMATION TECHNOLOGY SERVICES DIVISION

The State Teacher's Retirement System's request to allocate the above position to the CEA

category has been approved
effective January 14, 2001.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED
BETWEEN 6/30/95 AND 1/1/99

(1) DEPUTY DIRECTOR, QUALITY
ASSURANCE DIVISION
The Department of Alcohol and
Drug Programs is requesting to
refill the above position.

(2) INSURANCE SERVICES MANAGER
UNDERWRITING MANAGER
The State Compensation Insurance
Fund is requesting to refill the
above positions.

D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO
REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95
AND 1/1/99

NONE PRESENTED

15. HEARING - BILINGUAL SERVICES IN STATE GOVERNMENT
Will address bilingual services provided by State
government. The Dymally-Alatorre Bilingual Services Act,
Government Code Section 7290-7299.8 provides for
effective communication between the State's residents and
the State of California. The Act is intended to ensure
that the limited or non-English speaking residents of
California are not prevented from using public services
because of language barriers.

Persons Participating:

Karen Wang, DHHS, Office of Civil Rights
Felix J. Izarraras, California Highway Patrol
Antonio Pena, California Highway Patrol
Ricardo Vazquez, California Highway Patrol
Mary Tarango, Department of Consumer Affairs
Ninez Ponce, University of California at Los Angeles
Joseph Wong, Judicial Council, Court Interpreter Training
Program
Dianne Crawford, AT&T - Language Line

Cynthia Rice, CRLA
Horahim Hussein, East African Community of Orange County
Nahla Kaygli, Care R Us
Margarita Vazquez
Manuela Silva
Niwan Sibkme, Thai
Celia Valdez, Maternal and Child Health Access
Lorrian Duffy, Maternal and Child Health Access
Debbie Winskie, Maternal and Child Health Access
Khalil Khalil, Coptic Orthodox Church

ACTION: Hearing Held

A D J O U R N M E N T

SUBMITTED

1. DIANA HENNING, CASE NO. 98-4118/99-0772. Appeal from official reprimand/medical termination, demotion and transfer. Department of Corrections. (Oral argument held November 1, 2000).

NO ACTION

2. DAVID PINSON, CASE NO. 99-5344P. Appeal from 5 working days suspension. Department of Corrections. (Oral argument held January 3, 2001).

NO ACTION

3. CARLA EGGMAN-GARRETT, CASE NO. 00-0008. Appeal from rejection during probationary period. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

4. GABRIEL HERNANDEZ, CASE NO. 98-2868. Appeal from dismissal. Department of Mental Health. (Oral argument held February 6, 2001).

NO ACTION

5. MARTIN SMITH, CASE NO. 98-4017P. Appeal from dismissal. Department of Fish and Game. (Oral argument held February 6, 2001).

NO ACTION

6. LAQUITA PETERSON, CASE NO. 99-5285. Appeal from demotion. Department of Corrections. (Oral argument held February 6, 2001).

NO ACTION

7. STEPHANIE T. LAAM, CASE NO. 00-0340. Appeal from dismissal. Department of Corrections. (Oral argument held February 7, 2001).

NO ACTION

8. STATE COMPENSATION INSURANCE FUND (SCIF) CONTRACT HEARING
PSC NO. 00-03

Appeal of the State Compensation Insurance Fund from the Executive Officer's September 12, 2000 disapproval of SCIF's contract with Curials, Dellaverson, Hirschfeld, Kelly & Kramer LLP in response to the request for review submitted by the Association of California State Attorneys and Administrative Law Judges. (Hearing held February 7, 2001).

NO ACTION

9. CALIFORNIA PUBLIC UTILITIES COMMISSION (CPUC) CONTRACT
HEARING PSC NO. 00-04

Appeal of the California State Employees Association from the Executive Officer's September 20, 2000 approval of the contracts between the California Public Utilities Commission and Larkin & Associates and Overland Consulting for Auditing Services.

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on February 21, 2001.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Alvarado, Elkins, Carpenter - Aye.